

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No.: 3:16-CV-157-RJC-DSC

G. PEREZ, J. PEREZ, and M. SOSA,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC. and  
MERRILL LYNCH PIERCE, FENNER &  
SMITH, INC.,

Defendants.

**ORDER**

**THIS MATTER** is before the Court on Defendants’ “Motion to Dismiss” (document # 29), “Motion to Compel Arbitration and Stay Proceedings” (document #30), and “Motion to Dismiss” (document #31), all filed November 7, 2016.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1).

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B) (emphasis added).

On November 22, 2016, Plaintiffs filed their Amended Complaint (document #32), fifteen

days after Defendants filed their Motions to Dismiss. Consequently, they were entitled to amend as a matter of course. Fed. R. Civ. P. 15(a)(1)(B).

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

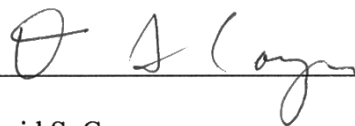
**IT IS HEREBY ORDERED** that:

1. Defendants' "Motion to Dismiss" (document # 29), "Motion to Compel Arbitration and Stay Proceedings" (document #30), and "Motion to Dismiss" (document #31) are **DENIED** administratively as moot without prejudice.

2. The Clerk is directed to send copies of this Order to the parties' counsel; and to the Honorable Robert J. Conrad, Jr.

**SO ORDERED.**

Signed: November 28, 2016

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

